

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Benjamin Holmes,)	C/A No. 8:17-1385-MGL-JDA
)	
Plaintiff,)	
)	
vs.)	REPORT AND RECOMMENDATION
)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

This is an appeal from a denial of social security benefits filed by a pro se litigant proceeding *in forma pauperis*. This case was transferred to this Court by the United States District Court for the Southern District of New York. [Doc. 7.] On June 7, 2017, this Court entered an Order to require Plaintiff to bring this action into proper form so that it could determine whether service of process should be authorized. [Doc. 12.] Plaintiff did not respond to that Order.

On July 7, 2017, this Court entered a second Order to require Plaintiff to bring this action into proper form, and the Clerk of Court mailed the appropriate blank forms to Plaintiff and recalculated the deadline for a response. [Doc. 15.] Plaintiff was warned that if he did not fully comply with the directions contained in the initial Order and in the second Order within the time permitted, it would be recommended that this case be dismissed for failure to prosecute and to comply with an order of this Court. [*Id.*] Plaintiff did not respond to the July 7, 2017, Order, and the time for response has lapsed.

Therefore, Plaintiff has failed to prosecute this case and has failed to comply with this Court's June 7, 2017, and July 7, 2017, Orders. It is recommended that this case should be dismissed *without prejudice* pursuant to Rule 41 of the Federal Rules of Civil

Procedure.* See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). **Plaintiff's attention is directed to the important notice on the next page.**

August 31, 2017
Greenville, South Carolina

S/Jacquelyn D. Austin
United States Magistrate Judge

*This Court's standing order, *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), is applied to this action.

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).